

### **REMARKS**

Upon entry of the amendments in this paper, claims 1, 3, 6, 8 and 14-27 will be pending in the above-identified application, with claims 14-27 being withdrawn. No new matter is entered. It is respectfully submitted that this paper is fully responsive to the Office action mailed on April 12, 2010.

#### **Examiner's Response to Applicants' Arguments**

In the office action dated April 12, 2010, the examiner states that:

However, polyethylene is a transpiring material see Patent H2042 H Dobrin et al. that teach a breathable polyethylene material, therefore, the motivation provided by Gold would allow the device to be transpiring.<sup>1</sup>

Applicants respectfully disagree with the examiner. To wit, *Dobrin* states in column 1, lines 24 through 26:

These outer covers, generally referred to as backsheets, are often constructed from fluid impervious films such as polyethylene. (Emphasis added.)

Thus, according to *Dobrin*, polyethylene is impervious to fluids. As such, the examiner's position that a person having ordinary skill in the art would combine *Gold* and *Maekawa* "in order to increase the transpiration of the adhesion," is improper as the combination would reduce transpiration as the polyethylene film 2 of *Maekawa* is impervious to fluids.<sup>2</sup>

---

<sup>1</sup> H2042 H is a statutory invention registration.

<sup>2</sup> Applicants note that *Dobrin* does discuss a film 12 which is "breathable." However this film 12 is "a blend of a thermoplastic polymer with an inorganic material." Column 2, lines 61 and 62. As such, film 12 is irrelevant to the polyethylene film discussed in *Maekawa*.

As such, applicants respectfully submit that the combination of *Gold* and *Maekawa* is improper and ask the examiner to withdraw the rejection and allow the application.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1, 3 and 6, 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,170,491 to *Maekawa* in view of U.S. Publication No. 2004/0237987 to *Gold*.

In addition to the above mentioned arguments, applicants also traverse the rejection for the following reasons. The examiner contends that *Maekawa* discloses a double stick adhesive tape for a wig, comprising two adhesive surface layers wherein the first adhesive surface layer has a thickness more than half of a diameter of the net member to stick to the net member (Fig. 1b; column 2, lines 64-68). Alteration of the thickness of the first and the second adhesive layers are considered by the examiner to be a matter of design choice.

According to the examiner, *Gold* teaches an adhesive surface having convexities and concavities. Therefore, the examiner states that it would be obvious to one having ordinary skill in the art at the time of the invention to modify a side of the first adhesive layer to the net member of *Maekawa* to be deglossed as taught by *Gold* in order to increase the transpiration of the adhesion.

Regarding claim 3, the specified range of the thickness is deemed matters of design choice by the examiner.

Applicants respectfully disagree. *Maekawa* does not disclose that the first adhesive surface layer has a thickness more than half of a diameter of the net member to stick to the net member. Though *Maekawa* does not suggest a thickness of the first adhesive surface layer, the examiner asserts that it is matters of design choice to alter the first adhesive surface layer. This assertion is improper.

In this regard, *Maekawa* states:

either surface of net-type component 3 can be stuck and fixed to the flexible planar component 2 by means of the adhesive 21a. Further, components 2, 3 also can be sewed so that they are fixed more firmly. (Column 3, lines 54-57.)

The above passage shows it was common that a skilled person would sew a net member to firmly fix it. In fact, *Maekawa* does not suggest (1) the problem of adhesive between the net-type component and the adhesive 21a, and (2) the thickness of the adhesive surface layer contributes to the problem. Even though a person having ordinary skill in the art may have noticed the problem, he or she might try to sew the net-type component and the adhesive unless there was teaching of above mentioned (2). Thus, there is no evidence that to show that a person having ordinary skill in the art would alter the thickness of the first adhesive surface layer to fix it to firmly a net member.

As to the thickness of the second adhesive layer, the examiner asserts that it is a matter of design choice, though *Maekawa* does not suggest a thickness of the second adhesive surface. Furthermore, *Maekawa's* double stick adhesive tape needs an external hair adhesive for the net-type component 3 for fitting a wig.

*Maekawa* states:

as shown in FIG. 6(a), an external hair adhesive 9 is applied onto the net-type component 3 of the wig-fitting component 1 fixed to the back of a wig base 5 (see column 5 lines 61 to 64).

*Maekawa* clearly shows that the net-type component 3 needs an external hair adhesive in order to fit the wig onto a head. (I.e., see FIG. 6(a).) It is clear that an external hair adhesive is applied on the net-type component 3, which the net-type component 3 is attached to the adhesive 21a, and the external hair adhesive attaches to human hair. In other words, adhesive 21a does not contacts and attaches to human hair. There was no need to alter the thickness of adhesive 21a to fit the wig. Thus, there is no motivation for a person skilled in the art to alter the thickness of the second adhesive layer because an external hair adhesive provides the required adhesiveness. Further, as the examiner has provided no explicit rationale for the design choice, applicants respectfully submit that the rejection is improper.

Concerning the combination of *Maekawa* and *Gold*, the Examiner neglects the net type component 3 in *Maekawa's* elements. To be accurate, *Maekawa* discloses:

a wig-fitting component or element 1 comprises a net-type component 3 stuck on one side of a flexible planar component 2 with adhesive 21a, 21b adhered to opposite sides of component 2. (Column 2, lines 64-67.)

and,

the adhesive 9 spreads to every corner of the natural hair and the fine meshes of the net-type component 3, and in particular, enters such meshes. Hence, strong adhesion effects can be obtained by a so-called anchor action as compared with the case of employing a component with a smooth surface. (See the column 6 lines 3 to 9.)

This shows that the net-type component 3 is an essential element.

As discussed in previous communications, applicants respectfully submit that there is no motivation to combine *Maekawa* and *Gold* because *Gold* does not suggest the effect of deglossed surface.

However, even if the references are combined, the obtained wig-fitting component must be comprised a net-type component 3 stuck on one side of a flexible planar component 2 with adhesive 21a, 21b adhered to opposite sides of flexible planar component 2. Further, either adhesive 21a or 21b must be deglossed in order to be relevant to claim 1.

On the other hand, the net-type component 3 of *Maekawa* does not exist in the claimed invention. However, the net-type component 3 is not left off from the combination of *Gold* and *Maekawa* because it has an important role for providing "anchor action". Furthermore the claim 1 has the unexpected result of not having to use an external hair adhesive for fitting a wig.

Application No. 10/544,573  
Art Unit: 3732

Response under 37 C.F.R. §1.116  
Attorney Docket No. 052875


In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Dennis M. Hubbs  
Attorney for Applicants  
Registration No. 59,145  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

DMH/rer